

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Thomas J. Polis, Esq. (119326) POLIS & ASSOCIATES, APLC 19800 MacArthur Blvd., Suite 1000 Irvine, California 92612 Tel: 949-862-0040 Fax: 949-862-0041 Email: tom@polis-law.com	FOR COURT USE ONLY  <div style="border: 1px solid black; padding: 10px; text-align: center;"><b>FILED &amp; ENTERED</b>  <b>AUG 10 2018</b>  CLERK U.S. BANKRUPTCY COURT Central District of California BY bakchell DEPUTY CLERK</div> <b>CHANGES MADE BY COURT</b>  <input type="checkbox"/> <i>Movant appearing without an attorney</i> <input checked="" type="checkbox"/> <i>Attorney for Movant Emma Borges</i>
<p style="text-align: center;"><b><u>NOT FOR PUBLICATION</u></b></p> <p style="text-align: center;"><b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA – <u>LOS ANGELES</u> DIVISION</b></p>	
In re:  Advance Specialty Care, LLC,  Debtor(s).	CASE NO.: 2:17-bk-24737-RK CHAPTER: 11  <b>ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362</b> <b>(Action in Nonbankruptcy Forum)</b>  DATE: 7/31/2018 TIME: 10:30 a.m. COURTROOM: 1675 PLACE: 255 E. Temple Street Los Angeles, CA 90012
<b>MOVANT:</b> Emma Borges, a minor and through her Guardian Ad Litem Kelly Sellon	

1. The Motion was:  Opposed  Unopposed  Settled by stipulation

2. The Motion affects the following Nonbankruptcy Action:

Name of Nonbankruptcy Action: *Emma Borges, a minor by and through her Guardian Ad Litem, Kelly Sellon v. Advance Specialty Care, LLC; Tung Nguyen & Does 1 to 10*

Docket number: 30-2016-00830408

Nonbankruptcy court or agency where the Nonbankruptcy Action is pending:

California Superior Court, County of Orange, Central Justice Center

3. The Motion is granted under 11 U.S.C. § 362(d)(1).
4. As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:
  - a.  Terminated as to the Debtor and the Debtor's bankruptcy estate.
  - b.  Modified or conditioned as set forth in Exhibit \_\_\_\_\_ to the Motion.
  - c.  Annulled retroactively to the bankruptcy petition date. Any postpetition acts taken by Movant to enforce its remedies regarding the nonbankruptcy action do not constitute a violation of the stay.
5. **Limitations on Enforcement of Judgment:** Movant may proceed in the nonbankruptcy forum to final judgment (including any appeals) in accordance with applicable nonbankruptcy law. Movant is permitted to enforce its final judgment only by (*specify all that apply*):
  - a.  Collecting upon any available insurance in accordance with applicable nonbankruptcy law.
  - b.  Proceeding against the Debtor as to property or earnings that are not property of this bankruptcy estate.
6. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.
7.  The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the Debtor.
8.  The 14-day stay prescribed by FRBP 4001(a)(3) is waived.
9.  This order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the nonbankruptcy action.
10.  This order is binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice.
11.  Other (*specify*):

For the reasons stated at the hearing and in the court's tentative ruling posted online on the court's website before the hearing (copy attached), the court grants the motion.

Claimant, Emma Borges may proceed against the proceeds of the Debtor's insurance policy with Philadelphia Indemnity Insurance Company, Policy No. PHPK1297038/\$1,000,000 limit.

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Date: August 10, 2018



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Robert Kwan  
United States Bankruptcy Judge

ATTACHMENT – TENTATIVE RULING

Grant motion for relief from stay under 11 U.S.C. 362(d)(1) for cause for reasons stated in the moving papers because the objecting parties, specifically, debtor, have not shown that the the proceeds of the insurance policy are property of the estate affected by the automatic stay. In re Endoscopy Center of Southern Nevada, LLC, 451 B.R. 527, 542-547 (Bankr. D. Nev. 2011), citing, In re Edgeworth, 993 F.2d 51 (5th Cir. 1993). Appearances are required on 7/31/18, but counsel may appear by telephone.